

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department - Khammam District- Revision Petition filed by Smt Singuluri Usharani, W/o.Nageswarao, R/o Jammugudem (V), Aswaraopet (M), Khammam District - against the Orders of the Additional Agent to Government in I.A No:46/2010, dated:30-4-2011 in respect of Acres 6.22 guntas and Acs.8.18 gts in Survey No:13 & 14 at Jammugudem (V), Aswaraopet (M), Khammam District – Allowed - Orders – Issued.

SOCIAL WELFARE (LTR-2)DEPARTMENT

G.O.MS.No. 8

Dated:31.01.2013

Read the following:

1. Revision Petition filed by Smt Singuluri Usharani, W/o. Nageswara Rao, Khammam dt.14.6.2011.
2. Govt.Memo.No.8509/LTR-2/2011, dt.07.10.2011 addressed to the Project Officer, ITDA & Additional Agent to Government, Bhadrachalam (V&M), Khammam District.
3. From the Project Officer, ITDA & Additional Agent to Government, Bhadrachalam (V&M), Khammam District. ref.RP.No.8509/LTR-2/11, dt.03.02.2012.
4. Govt.Lr.No.8509/LTR-2/2011, dt. 25.06.2011, 26.07.2012,

ORDER:

Smt Singuluri Usharani, W/o.Nageswarao, R/oJammugudem (V), Aswaraopet (M), Khammam District in the reference 1st read above has filed Revision Petition before the Government against the Orders of the Additional Agent to Government in I.A No:46/2010, dated:30-4-2011 in respect of Acres 6.22 guntas and Acs.8.18 gts in Survey No:13 & 14 at Jammugudem (V), Aswaraopet (M), Khammam District.

2. The main grounds of the Petitioner in the Revision Petition among others are as given below:

1. The Additional Agent to Government passed impugned order hurriedly and in the absence of any counter or objection from the respondent side, the order under revision is causing grave prejudice to the petitioner.
2. The Additional Agent to Government Court failed to appreciate and take note that Rule 8 (1) & (2) of A.P. Scheduled Areas Land Transfer Rules-1969.
3. The Additional Agent to Government also failed to note that the SDC failed to communicate the order dated 21-08-1997 in LTR case No.297/95/APT under Rule -10 of the A.P. Scheduled Areas Land Transfer Regulation – 1969.

(P.T.O)

4. The Additional Agent to Government failed to note and appreciate that, there is no violation of provisions of the A.P. Scheduled Areas Land Transfer Regulation 1/1970 so far as the possession of the petitioner over the subject of the land in Sy. Nos. 13/A & 14 to an extent of Acs.6.22 gts and Acs.8-18, as that the petitioner acquired it by way of succession from her parents who are the pattadar since long prior to the commencement of the Regulation 1/1970.
5. The Additional Agent to Government failed to note and consider that according to Sec.7 of the A.P. Scheduled Areas Land Transfer Regulation 1/1959 r/w 1/1970, the provisions of Indian Limitation Act, 1908 shall in so far as they are not inconsistent with the provisions of this Regulation.
6. The Additional Agent to Government totally erred in conducting the enquiry on the point whether notices were issued to the petitioner in L.T.R. Case. No.297/95/ASPT for condoning the delay in filing the appeal against the order dated 21-08-1997 and failed to note and appreciate that, for condoning the delay in filing the C.M.A., it is obligatory on the part of the Lower Court to consider whether the impugned order dated 21-08-1997 was communicated to the petitioner or not by the 3rd respondent ie., Special Deputy Collector (TW) Palvancha in the manner provide in Rule 10 of the Rules and that the petitioner deliberately.
7. The Additional Agent to Government has failed to appreciate that, the Tahsildar, Aswaraopet reported that there is no sale transaction taken place in between non-tribe to non-tribe in between Smt. Alla Satyavathamma and Singaluri Usharani who are mother and daughter and that the ownership changed in between the legal heirs and that there is no violation of LTR 1/1970.

3. In the reference 2nd read above, Project Officer, ITDA & Addl. Agent to Govt., Bhadrachalam (V&M), Khammam District was requested to furnish parawise remarks and connected records.

4. The matter stood thus, the petitioner filed WP MP No.31214 of 2011 in W.P. 25364 of 2011 before the Hon'ble High Court and the Court in its order 10.10.2011 passed the following order:-

“ Status quo obtaining as on today with regard to the possession of the land in question shall be maintained until further orders.”

5. The Addl. Agent to Govt. & Project Officer, ITDA, Bhadrachalam, Khammam District has furnished parawise remarks and connected records vide reference 3rd read above.

6. The case was posted for hearing and heard on 09.07.12 and 06.08.2012. The same has been informed to the Revision Petitioner and the Respondents to attend the said hearings in the reference 4th read above. On 06.08.2012, the Revision Petitioner was directed to submit written arguments. Accordingly the Revision Petitioner has filed the same.

7. Government have examined the records and orders of the Additional Agent to Government and Written Arguments submitted by the Revision Petitioner. On perusal of the records, the brief history of the case is that the Special Deputy Collector (Tribal welfare) Palvoncha (3rd respondent herein) initiated Land Transfer Regulation case No.297/95/ASPT, between Smt Alla Satyavathamma as petitioner and Singuluri Usha Rani as Respondent who is the Revision Petitioner herein. Both are non-tribals. The Special Deputy Collector (Tribal welfare) Palvoncha after due enquiry passed ejectment orders on 21.8.1997 in favour of Government against the said orders the Revision Petitioner herein filed an appeal on 29.12.2009 before the Additional Agent to Government, Bhadrachalam along with delay condonation petition. The 2nd Respondent, the Additional Agent to Government herein rejected the said appeal as there is a delay of (12) years (8) months (8) days, which is abnormal delay and passed orders without going to merits of the case and rejected as time barred vide I.A.No.46/2010 dated 30.4.2011. Against the orders, the present Revision Petition is filed before the Government.

8. In the Revision Petition/Written Arguments the Revision Petitioner has stated that her father (late) Alla Appa Rao purchased an extent of land Ac.9.20 in Sy.No.13 and Ac.19.18 in Sy.No.14 of Jammigudem (V) from non-Tribes, prior to commencement of Land Transfer Regulation 1/59, which came into force in Telangana area from 1963 onwards by virtue of Land Transfer Regulation 1/70 and his name was incorporated in the Revenue records, since 1963 and that as per the Unregistered Will dt.28.4.1992 executed by her mother (late) Alla Sastyavathi, the Revision Petitioner has become the legacy of the Petition Schedule property and entitled to get Pattadar Pass-Book on her name in terms of Pattadar Passbooks Act, 1961. Also that the Special Deputy Collector (Tribal Welfare), Palvoncha without the fact that the Petitioner has inherited the Petition Schedule land Acres 6.22 gts in Sy.No.13/A & Acs.8.18 gts in Sy.No.14 of Jammigudem village, Aswaraopet Mandal, Khammam District and without verifying and records and adhering to the Petitioner passed orders on dt.21.8.1997 in Land Transfer Regulation Case No.297/95/ASPT, for ejection of the Revision Petitioner from the Petition Schedule land. But, the said orders have not been communicated to the Petitioner and only after knowing about the said orders, the Petitioner could obtain certified copy on 26.10.2009 and filed CMA before the Additional Agent to Government, Bhadrachalam within the limitation period with an IA to condone the delay and that the Additional Agent to Government without adhering to the Petitioner has dismissed his petition in IA No.46/201. The Revision Petitioner has requested to set aside the orders of the lower courts.

9. On perusal of the Record and other material papers made available in the file, it is found that the Pahani copies and the report of the Tahsildar, Aswaraopet (M), dt.12.1.2011 clearly reveals that the maternal grant - father of the Revision Petitioner was in possession of the certain lands in Jammigudem (V) and the present Petition Schedule land since 1964-65 and the name of Smt Alla Sastyavathi (D/o. Pennada Naganna (Pattadar) i.e., the mother of the Revision Petitioner was brought into records from 1993-94. Also that Singuluri

Nageswara Rao after his marriage with the Revision Petitioner Smt Singuluri Usha Rani came as "Illatam Alludu" and during family partitions the Petition Schedule land Acrs.6.22 gts in Sy.No.13/A & Acrs 8.18 gts in Sy.No.14 of Jammigudem (V) has been vested in the name of the Revision Petitioner and she is in continuous possession of the Petition Schedule land and recorded as enjoyer. The Tahsildar, Aswaraopet (M) clearly certified that no violation has been done to Land Transfer Regulation and no sale transaction took place in between non-Tribe to non-Tribe ie., Alla Satyavathi and Singuluri Usha Rani who are mother and daughter, but ownership has been changed as per partition, being legacy.

10. Government after careful examination of the facts of the case is of the opinion that the claim of the Revision Petitioner over the Petition Schedule Land is rightful one and the lower courts have not examined the case properly and ignored the facts of the case and passed the impugned orders against the Revision Petitioner. As such Government hereby order to set aside the orders of the Additional Agent to Government, Bhadrachalam Khammam District in IA No.46/2011 dated.30.04.2011 and the orders of the Special Deputy Collector (Tribal Welfare), Palvoncha dated:21.08.1997 passed in Land Transfer Regulation case No.297/95/ASPT for ejection of the Revision Petitioner from the Petition Schedule land Acs. Acrs.6.22 gts in Sy.No.13/A & Acrs 8.18 gts in Sy.No.14 of Jammigudem Village, Aswaraopet Mandal, Khammam District and the claim of the Revision Petitioner on the Petition Schedule land is allowed, subject to Land Transfer Regulation 1/70.

11. The Collector, Khammam District/Project Officer, ITDA & Additional Agent to Government, Bhadrachalam, Khammam District is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To:

The Collector & Agent to Government, Khammam District.
The Additional Agent to Government & Project Officer, ITDA
Bhadrachalam, Khammam District with RPAD of the following records.
(Case File I.A.No.456/2010.)
The Special Deputy Collector (TW), Khammam District.

Copy to:

Sri Nanduri Srinivasa Rao & Sri K.Srimannarayana, Advocates, Bhadrachalam, Khammam District – 507111.
Smt. Singuluri Usharani, W/o. Nageswarao, R/o,Jammugudem(V),
Aswaraopet (M), Khammam District.
The G.P for Social Welfare, High Court of A.P.Hyderabad.
The P.S to M (TW) for information/
the P.S to Principal Secretary to Government (TW)
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER